

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

(1) SHIRLEY STANFORD, individually,)	
and as Personal Representative of the)	
Estate of DANIEL MOGHRABI,)	
deceased,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-18-1103-D
)	
(2) JOYCE HOLLADAY, an individual, and)	
(3) B&K TELECOMMUNICATIONS AND)	
CONSTRUCTION, LLC, a Pennsylvania)	
Limited Liability Company,)	
)	
Defendants.)	

ORDER

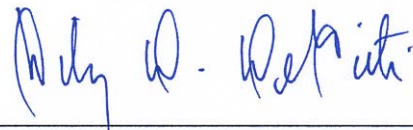
Upon review of the Notice of Removal, the Court finds insufficient factual allegations to support the assertion of federal subject matter jurisdiction under 28 U.S.C. § 1332.¹ Defendant B&K Telecommunications and Construction, LLC, is alleged to be limited liability company. A limited liability company is not treated like a corporation under 28 U.S.C. § 1332(c)(1), but like a limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). See *Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). The Notice of Removal contains no information concerning the members of the limited

¹ The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); see *Arbaugh v. Y&H Corp.*, 546 U.S. 500 506 (2006).

liability company and, therefore, fails to allege the citizenship of these parties or to establish complete diversity of citizenship.

IT IS THEREFORE ORDERED that Defendant B&K Telecommunications and Construction, LLC, shall file an amended notice of removal to allege the existence of diversity jurisdiction within 14 days from the date of this Order.²

IT IS SO ORDERED this 13th day of November, 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

² Defendant need not re-file the exhibits attached to the Notice of Removal but may incorporate them by reference pursuant to Fed. R. Civ. P. 10(c).